

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff

v.

ROWLAND MARCUS ANDRADE,

Defendant

CASE No. 3:20-cr-00249-RS-1

**MOTION FOR RECONSIDERATION
OF ORDER DENYING
DEFENDANT'S SECOND MOTION
TO EXTEND SELF-SURRENDER
DATE (ECF 814)**

Judge: Hon. Richard Seeborg

EXHIBIT - A

AFFIDAVIT OF JACK DONSON

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES	:	Case No.: 3:20cr00249-001 RS
	:	
v.	:	
	:	
ROWLAND MARCUS ANDRADE	:	Judge: Hon. RICHARD SEEBORG

AFFIDAVIT OF JACK DONSON

I, Jack Donson, hereby declare under penalty of perjury that the following is true and correct.

STATEMENT OF EXPERTISE

I am the executive director of a non-profit organization called the Federal Prison Education and Reform Alliance. We provide consulting, training and expert witness testimony on federal prison issues. We also provide BOP training, education and support to the federal justice community, so they have a better understanding of policy and process for their advocacy and representation. I have worked directly with federal offenders for over 37 years and have testified in district courts throughout the country.

I was employed by the BOP for twenty-three years working directly with inmates in security classification, correctional programs, and treatment. I actively follow policy initiatives and attend training conferences, including the U.S. Sentencing Commission conference, which includes a presentation by BOP staff on current federal prison issues. I am an active member of both the American Bar Association (ABA) and National Association of Criminal Defense Lawyers' (NACDL) corrections committees. I have authored articles and book chapters on federal prison matters in national print media, legal periodicals and ABA publications. One of the chapters I have authored is relative to the prison implications of Autism Spectrum Disorder.

During my career, I worked directly with inmates and staff as a Correctional Treatment Specialist (case manager & case management coordinator). I was responsible for counseling, security classification, inmate discipline, program placement/evaluation and re-entry. I completed and/or delivered hundreds of BOP case management related training courses. I was also assigned collateral administrative responsibilities including training case management staff, mentoring, local policy writing, conducting facility audits, and overseeing institutional programs. I have worked in minimum (camp), low, medium, administrative (pre-trial and high security), and Witness Security (PCU) units. On several occasions, I was assigned to the BOP Philadelphia Regional Office (NERO) and the New York City Community Corrections Office. I have expertise with U.S. Parole Commission policy and process and BOP sentence computations. Prior to working for the federal government, I was employed in the Commonwealth of Pennsylvania as a Probation & Parole Officer where I wrote pre-sentence investigations, supervised the work release program and managed a caseload of adult and juvenile offenders.

My skillset is unique, policy-focused, and has been molded by my regular interaction with BOP

staff and administrators as well as inmates in the trenches of the federal prison system. This interaction has continued during my career through regular contacts with attorneys, non-governmental organizations, and email correspondence with incarcerated people from around the prison system. In my role with FedCURE as their National Director for Inmate Programs and Services, I regularly interacted with BOP central office staff regarding prison issues and was solicited for feedback on legislation such as the First Step Act. I have conducted First Step Act related training for the NACDL, AOUSC and federal defender organizations. I recently attended meetings with the GAO regarding a First Step Act audit and the DOJ for their Access to Justice initiative related to BOP legal communication.

I have been qualified as an expert witness in accordance with Federal Rule 702 (*Daubert* Standards) and have never been denied the ability to testify as an expert witness on BOP related issues.

I hold a bachelor's degree in Sociology/Anthropology and a Master of Science Degree in Criminal Justice. Aside from consulting, I was a Lecturer at Marywood University for several years and taught Criminal Justice courses, including one entitled The American Prison.

A true and correct copy of my *Curriculum Vitae* is attached. I have personal knowledge of the facts stated herein and can testify competently thereto if called as a witness in this matter.

SCOPE OF REVIEW

I have been asked to provide the court with a supplement to my previous declaration to address the practicality of allowing Mr. Andrade additional time to surrender to obtain surgery and diagnostic testing rather than obtaining it in the Federal Bureau of Prisons. I offer my opinion from a non-clinical, case management perspective having processed outside medical trips for offenders on my caseload while working for the BOP and currently supporting defenders and prisoners through our non-profit organization.

SUMMARY OF FINDINGS

Mr. Andrade may be negatively impacted by not only extensive delays in testing and treatment but the overall state of the agency which is currently in crisis regarding medical understaffing and overall correctional facility management. If he were to surrender prior to any needed treatment and testing, there will be an interruption in his continuity of care putting his health in jeopardy.

SURGERY AND DIAGNOSITCS

Upon arriving at any federal prison, Mr. Andrade will undergo an intake by BOP medical staff. While they will take into consideration any previous medical records, the agency doctors are not mandated to provide any previously scheduled surgeries or medication regiments. One of the core policy directives the BOP will consider is the Program Statement 6030.05, Patient Care.¹ This directive requires individuals with "*Urgent*" medical care issues to be referred to the appropriate health care employees for evaluation. Aside from the well document delays in BOP medical

¹ https://www.bop.gov/policy/progstat/6031_005_cn-2.pdf

treatment and testing, the agency is not bound to follow up with surgeries and diagnostic testing unless they determine it to be “Medically Necessary” in accordance with the Patient Care directive Section 5, page 3, which states:

“(1) Medically Necessary – Emergency. Medical emergencies are conditions of an immediate, acute, or emergent nature that without care would cause rapid deterioration of the inmate’s health, significant irreversible loss of function, or life-threatening consequences. Treatment for conditions in this category is essential to sustain life or function and warrants immediate attention.”

While the BOP operates several Federal Medical Centers (FMCs) around the country, they often refer inmates to local community providers for the testing and surgery, creating significant delays because of the diminished medical staffing, prioritization of cases, plus the logistics inherent in scheduling and carrying out community medical trips from a custodial perspective. Aside from the crisis in medical staffing, correctional officers are also a concern of the agency itself that recently announced enormous recruitment and retention bonuses. A telling exposé by NPR released September of 2023, indicated staff at Butner told NPR the prison has issues of its own, including delays in care and staffing shortages.² The article went on to state *“The Bureau of Prisons claims to meet the same medical standards as any independent hospital, stating on its website that it is accredited by the nation’s leading accreditation agency. But NPR found that, in fact, the BOP’s certification lapsed two years ago.”*

More recently, a December 2024 DOJ Inspector General Audit at FMC Devens found *“serious issues with FMC Deven’s provision of healthcare to its inmates”* and *“widespread staffing shortages in the health services department.”*

Aside from these delays in treatment and diagnostic testing, there is the possibility that Mr. Andrade will not be approved for surgery at all unless it is deemed to be medically necessary. Should the facility, decide to go forward with the surgery, Mr. Andrade will basically be starting the referral process from the beginning and is unlikely to get treatment for many months if not years.

CONCLUSION

In my professional opinion and experience, it benefits both Mr. Andrade and the BOP if any needed surgery be performed in the community at his own expense. The court should not have the false impression or expectation that Mr. Andrade will obtain the surgery needed in a timely fashion from the BOP. Should he meet the BOP policy criteria for approval, there will be delays based on BOP resources and the logistics inherent in the delivery of healthcare in a correctional setting. Should the court decide to deny the petition to delay his surrender, it is extremely important that all current medical information be provided to the facility Chief Clinical Officer prior to his arrival.

Executed on this 29th day of December 2025

² <https://www.kuow.org/stories/1-in-4-inmate-deaths-happens-in-the-same-federal-prison-why>

Jack T. Donson, President and Executive Director, PERA

A handwritten signature in blue ink, appearing to read "Jack T. Donson", is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.



Jack Thomas Donson

Email: jack@bopera.org

Telephone (212) 461-2252 B.

(570) 687 6829 C. (Preferred)

Personal Information

Education: BS-Sociology/Anthropology,
MS-Criminal Justice

Personal Statement

I have worked directly with incarcerated people for over 38 years at the county, state and federal levels. I educate and support the federal justice community on BOP policy and process to obtain better outcomes in representation, advocacy and legislation. In 2011, I retired from the BOP and founded “*My Federal Prison Consultant*”, LLC, after witnessing decades of exploitation of incarcerated people and families by high priced and uninformed prison consultants. This exploitation has exacerbated under the First Step Act because the lack of BOP transparency and accountability fosters exploitation.

Most of my career, I managed caseloads within the trenches of the prison system as a Correctional Treatment Specialist. I also served in administrative capacities (CMC/Unit Manager/Camp Administrator). I have conducted facility audits, participated in policy writing work groups, oversaw programs and trained case managers in classification and correctional programs. My perspective is unique and derived from directly applying policy in various prison environments including Pre-trial (administrative/high security), Minimum, Low, Medium, & Witness Security units. I received three national awards during my career and over thirty other performance awards.

After twelve years in the private sector working with families and justice professionals, I saw a profound need for a more educated justice community regarding BOP issues. I recently formed The Federal Prison Education and Reform Alliance (501C3) and serve as the Executive Director. The organization intends to be the primary stakeholder focused solely on BOP issues while also supporting people in prison. Our organization has already conducted training around the country for Federal Defenders, Judges and the Administrative Office of the US Courts.

I have served pro bono for several non-profit organizations helping marginalized populations and their families navigate the prison system. (FedCURE/Out4Good/Choosing Integrity) I am a member of the Corrections Committees of the National Association of Criminal Defense

Lawyers (NACDL) and the American Bar Association (ABA). I have testified in federal district courts throughout the United States and the United Kingdom. I was a lecturer at the university level and have taught several courses including one entitled “The American Prison.”

My most rewarding government contract work as an expert is supporting post-conviction petitions by submitting formal declarations and testifying for juvenile and young adult lifers sentenced in the D.C. Superior Court regarding the Incarceration Reduction Amendment Act (IRAA) and Second Look Act.

My passion is federal prison reform, and my mantra is that many proactive reforms can be accomplished under the existing policy and statutory framework through leadership, accountability and transparency. I have a pulse on the agency from working on both sides of the system and my knowledge of BOP policy, process and culture is extraordinary. My analytical ability in combination with my practical experience provides me with insights which is advantageous for clients, attorneys, legislators, the media and reform organizations. I have appeared on several national television and radio programs as a commentator and have been quoted in national print media. I have authored chapters in two ABA Books on mental health issues and articles in the Federal Sentencing Reporter, The Hill as a “Opinion Contributor” and Bloomberg Law Insights as an “Outside Editor.”

Current Work Experience

The Federal Prison Education and Reform Alliance- Executive Director -Non-profit providing education and support to the federal justice community and direct services to the incarcerated. July 26, 2023-Present www.bopera.org

My Federal Prison Consultant, LLC- President& Founder, supports counsel, clients and families on both technical policy issues and general prison support on all areas of the BOP. I testify around the country on BOP issues relevant to mitigation. July 2011-Present www.mfpcllc.com

Prior Work Experience

Prisonology, VP- Operations & Co-founder, Consulted, testified and developed CLE’s which were delivered to federal defenders, judges and CJA panel attorneys. September 2014- Feb. 2022.

FedCURE, Director of Programs and Case Management Services, Assist the incarcerated and their families relative to federal prison issues, pro bono via a designated BOP liaison in the central office. July 2011- June 30, 2023. www.fedcure.org (volunteer)

Out4Good, LTD, Executive Director- In charge of developing the “Correcting Corrections in America initiative”, April 2013 to April 1, 2024. Stepped down to a regular board member position to focus on PERA. www.out4good.org

Marywood University, Lecturer PA- Criminal Justice Professor- courses entitled: “Community Corrections,” “Shadow and Service” and “The American Prison.” January 2013-January 2019

Federal Bureau of Prisons, Correctional Treatment Specialist & Case Mgt. Coordinator- I was responsible for the counseling, classification, inmate discipline and re-entry. I coordinated institution programs and trained staff in classification & correctional programs.

- Special expertise working with high profile organized crime figures, the Witness Protection (WITSEC) program & white-collar crime offenders.
- Alternate Case Management Coordinator 1991 to 2011
- Assignments (TDY) in the Regional Office, Philadelphia, PA. (CIM Coordinator/Correctional Programs), New York City Community Corrections Office (processing designations and halfway house referrals) & several National (DC) policy writing work groups.
- Annual Training Instructor in the areas of security designation/classification, Central Inmate Monitoring (CIM,), FOIA/Privacy Act & Victim Witness program.
- Member of Hostage Negotiation Team
- Received 3 National Awards for Excellence in Administration & Detention Procedures, National Correctional Treatment Specialist of the Year & Excellence in Training Award.
- Taught Institution familiarization orientation to new staff & was assigned as a mentor for college interns and newly appointed case managers and counselors.
- Held assignments as Camp Administrator, Case Management Coordinator, Unit Manager and Assistant Case Management Coordinator.
- Liaison for US Parole Commission, US Marshals, FBI and ICE
- Worked in minimum, low, medium, administrative (including high security) & Witness Security (WITSEC) units.

Commonwealth of Pennsylvania, Probation and Parole Officer- Supervised a caseload of adults and juveniles. Appeared in court on a weekly basis, prepared pre-sentence reports, submitted parole recommendations to the court, provided community supervision of offenders and managed the work release and ARD programs. (Internship with Scranton District Office of the PA Board of Probation and Parole).

Army National Guard, (E-5) Easton, PA 1986-1995

- **Military Police** (MP-95 Bravo), Ft. McClellan, AL
- **Stinger Missile Gunner** (16 Sierra), Ft. Gordon, Ga.

Education

Marywood University, Scranton, Pennsylvania

- **Master of Science in Criminal Justice** 1997 (Concentration in Public Administration)

East Stroudsburg University, East Stroudsburg, Pennsylvania

- **Bachelor's Degree in Sociology/Anthropology** 1985

Awards

- 1998 National Community Corrections Award

- 1990 National Correctional Treatment Specialist of the Year
- 1991 National Excellence in Annual Training Award
- I received thirty-two other monetary personal achievement awards.

Other Activities/memberships

Choosing Integrity, Board Member (2018-2025) <https://www.choosingintegrity.org/about/>

- Testified on Capitol Hill to the Colson Task Force on Federal Corrections
- AOUSC Trainer -Defender Investigator and Paralegal Seminar-Houston TX
Winning Strategies Seminar-BOP Mental Health-Austin, TX
- Authored Article on BOP Restrictive Housing in the Federal Sentencing Reporter
- Authored Chapter's in ABA Publications on Autism Spectrum Disorders (2019) & Suicide and Its Impact on the Criminal Justice System (2021)
- Regularly provides training on federal prison issues to federal defenders, Judges & for the AOUSC
- Numerous National media outlet appearances for commentary (CNBN/Fox/CNN)
- NACDL Corrections Committee since 2011
- ABA Corrections Committee 2012- Chaired Standing sub-committee on BOP Policy
- Monthly contributor to the Sentencing Partners Newsletter from Joaquin & Duncan
- Finance Committee Chair-United Methodist Church
- Authored OP Eds in The Hill regarding BOP issues
- Member of the U.S. Ombudsman Association (USOA)
- Member of the PA Prison Society
- Overall offender advocacy & general federal prison & legislative reform efforts
- Hiking, Fishing, Leisure Travel

References, testimonials and award letters are available upon request.